THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.27688 of 2005

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Dated:28.12.2005

Between:

Rajakajana Sangham, represented by its President, Mr.T.Paddala Venkayya, Mupparthipadu,

Ganapavaram mandal, West Godavari District.

..... PETITIONER

AND

The District Collector, West Godavari District, Eluru, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.27688 of 2005

ORDER:

Rajaka Jana Sangham, represented by its President, filed the present writ petition seeking a writ of mandamus declaring the action of the respondents in not leasing out fishing rights in the tank known as Thummala Cheruvu situated in R.S.No.19 of Mupparthipadu Village, Ganapavaram Mandal, West Godavari District, as illegal and arbitrary.

The petitioner statedly is espousing the cause of 30 Rajaka families of Mupparthipadu Village, who eke out their living by caste profession. According to the petitioner, Thummala Cheruvu, one of the three tanks in the Village, was set apart by the Gram Panchayat for the purpose of washing clothes, and thereafter

since 1400 Fasli, the same is being leased out to the petitioner-Sangham/Rajakas for fishing purpose. It is the case of the petitioner that though it submitted a representation on 11.07.2005 to the second respondent requesting to lease out the tank for fishing purpose, no action was taken.

It is not denied before this Court that unless and until a tank in a Village within the jurisdiction of Gram Panchayat is earmarked by the Gram Panchayat by resolution for the purpose of washing clothes by the Rajakas, they would not get any preferential right to seek lease for the purpose of fishing rights as well. In spite of repeated queries by the Court, the learned Counsel for the petitioner has not placed any resolution of the Gram Panchayat earmarking Thummala Cheruvu for the purpose of washing, as alleged in the writ petition. In the absence of any proof placed before this Court, this writ petition cannot be entertained. However, if the tank is already reserved for the Rajakas for the purpose of washing, their representation may be considered by the second respondent in accordance with the rules.

The Writ Petition, with the above observation, is dismissed. No costs.

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(V.V.S.RAO, J)

28.12.2005

vs